

ODRC Policy/Operation Manual Variance Request

Variance to ODRC Policy/Operation Manual #: 75-MAL-03		Section(s): VI.A.4-5	
Policy/Operation Manual Name: Incarcerated Population Legal Mail			
Managing Officer or designee Submitting the Request:		Signature	
Policy Owner Signature Margaret S Moore		Date: 10/2/2024	
Date of Request: Oct 2, 2024	Length of Request: May 31, 2025 <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input checked="" type="checkbox"/> 180 days <input type="checkbox"/> other	Effective Date of Variance: December 2, 2024	Applicable to: MCI, LeCI, SOCF

Please provide a full explanation of the requested variance including the justification for the request. Please be specific as to exactly what sections and language are being revised. Explain revision necessary prior to routine revision of the policy. (Attach additional sheets if necessary):

Marion Correctional Institution, Lebanon Correctional Institution, and the Southern Ohio Correctional Facility are piloting a process for Copying incoming legal mail. It is anticipated to replace the current process opening legal mail as outlined in subsection VI.A.4-5. See attached for additional details on the recommended revisions during the pilot process at these three institutions.

Comments:

Defer to Ernie Moore, OOP Deputy Director.

<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Central Office Policy Review Chairperson: Jondrea K Parrish	Date: 10/2/2024
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Comments:

<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Deputy Director or Regional Director: Ernie L Moore	Date: 10/8/2024
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Comments:

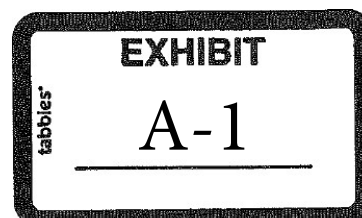
<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Legal Signature: STEPHEN GRAY	Date: 10/19/2024
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Decision/Comments:

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Director: <i>A. C. Smith</i>	Date: 11/14/24
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Expiration of Variance: ☐ 90 days ☐ 120 days ☒ 180 days ☐ Next Revision

Expires 5/31/2025



75-MAL-03 Variance (MCI, LECI, SOCF) - Expires 5/31/2025)

Remove current language in subsection VI.A.4-5 and insert subsection VI.B. below (for Lebanon Correctional Institution, Marion Correctional Institution, and Southern Ohio Correctional Facility).

VI.B Legal Mail Procedures

1. Legal mail will be opened in the presence of the Incarcerated Person by a mailroom staff member or warden's designee in the designated legal mail area.
2. If anything is found to be suspicious, or needs further investigation, the entire document and the envelope will be confiscated. See section C for procedures concerning suspected contraband.
3. If the legal mail does not appear suspicious, or does not need further investigation, a designated staff member will proceed as follows:
 - a. The staff member will copy the document in the presence of the Incarcerated Person using the designated legal mail copier with no memory capability and allow the Incarcerated Person to review the copy to ensure it contains the same number of pages as the original document.
 - b. If the Incarcerated Person acknowledges that the copy contains the correct number of pages and is legible, the Incarcerated Person shall sign the Legal Mail Log (DRC2632) acknowledging that they were shown the original legal mail took possession of the copy. No additional copies will be made.
 - c. Once the Incarcerated Person accepts the copy, the original document will be shredded in the presence of the Incarcerated Person using the designated legal mail shredding equipment.
 - d. If the Incarcerated Person disputes that the copy matches the original, staff will check to see if an error was made, and if so, correct it.
 - e. If the Incarcerated Person refuses to sign and acknowledge accepting the copy of the legal mail after any corrections have been made, the copy shall be shredded, and the original legal mail confiscated. The confiscated legal mail shall be returned to sender with "refused to accept delivery" placed on the outside of the envelope.